

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE: REFRIGERANT COMPRESSORS
ANTITRUST LITIGATION

)
) No. 2:09-md-2042-SFC
)

) MDL No. 2042
)

THIS DOCUMENT RELATES TO:

) Honorable Sean F. Cox
)

Gaffet v. Tecumseh Products Co., et al.,
No. 2:11-cv-11449-SFC

Strong Electric v. Tecumseh Products Co., et al.
No. 2:11-cv-11448-SFC

**PLAINTIFFS STRONG ELECTRIC AND NAT GAFFET'S OPPOSITION
TO THE TECUMSEH DEFENDANTS' MOTION TO DISMISS**

For the reasons set forth in the attached Memorandum, Plaintiffs Strong Electric and Nat Gaffet ("Gaffet") oppose Defendants Tecumseh Products Company, Tecumseh Compressor Company, Tecumseh do Brasil Ltda. and Tecumseh do Brasil USA, LLC (collectively, "Tecumseh")'s Motion to Dismiss the *Gaffet* and *Strong Electric* Indirect Purchaser Actions, filed on April 11, 2011 (Dkt. 189).

Dated: May 2, 2011

Respectfully submitted,

/s/Charles E. Tompkins

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**MEMORANDUM IN SUPPORT OF PLAINTIFFS STRONG ELECTRIC
AND NAT GAFFET’S OPPOSITION TO THE
TECUMSEH DEFENDANTS’ MOTION TO DISMISS**

In response to Defendants Tecumseh Products Company, Tecumseh Compressor Company, Tecumseh do Brasil Ltda. and Tecumseh do Brasil USA, LLC (collectively, “Tecumseh”)’s Motion to Dismiss the *Gaffet* and *Strong Electric* Indirect Purchaser Actions, filed on April 11, 2011, Plaintiffs Strong Electric and Nat Gaffet (“Gaffet”) respectfully incorporate the arguments set forth in the Indirect Purchasers Plaintiffs’ Opposition to Defendants’ Joint Motion to Dismiss (Dkt. 189). In addition, Plaintiffs Strong Electric and Gaffet specifically direct the Court to paragraphs 58 through 72 of the Strong Electric complaint and paragraphs 59 through 73 of the Gaffet complaint, which set forth detailed allegations regarding the conspiracy not contained in the Indirect Purchasers’ Consolidated Amended Complaint. Plaintiffs Strong Electric and Gaffet also direct the Court to paragraphs 115 through 124 of the Strong Electric complaint and paragraphs 116 through 125 of the Gaffet complaint, which set forth the details surrounding the guilty pleas of various Defendants. These guilty pleas, as well as those of other Defendants in this action, effectively mandate denial of any

motion to dismiss on the grounds that the conspiracy alleged in the Strong Electric and Gaffet complaints is not plausible. *Cf. In re Air Cargo Shipping Svcs. Litig.*, No. 06-MD-1775, 2009 WL 3077396, at *1 (noting that the guilty pleas entered by many defendants rendered the plaintiffs' conspiracy allegations plausible).

This Court has ordered that Defendants have until May 6, 2011 to file any briefs in support of any motion to dismiss the Strong Electric and Gaffet complaints. *See* Dkt 231. Plaintiffs Strong Electric and Gaffet reserve the right to respond to any additional briefs submitted by Defendants pursuant to that Order.

Dated: May 2, 2011

Respectfully submitted,

/s/Charles E. Tompkins

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Robert E. Ditzion

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/Charles E. Tompkins

Charles E. Tompkins